S.B. CIVIL WRIT PETITION NO.436/2005

Vijay Kumar vs. Gauri Shanker and others.

Date : 20.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. S.G. Ojha, for the petitioner.

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Heard learned counsel for the petitioner and perused the impugned order dated 13.5.1997 by which the trial court allowed the application filed by applicant Gauri Shanker and impleaded all the apparent heirs of late Jamanadhar as legal representatives.

According to learned counsel for the petitioner, all the descendants of Jamandhar should not have been impleaded as party in the suit because they were not doing the business in the suit premises along with Jamanadhar and, therefore, they were not persons who could be treated as tenants as defined under the provisions of Rajasthan Premises (Control of Rent & Eviction) Act, 1950 and they have no protection available under the said Act.

A perusal of the impugned order shows that the trial court after considering the facts of the case, allowed the application and by impleading all the heirs of deceased Jamanadhar, the dispute would be narrowed down, therefore, no prejudice is caused to the petitioner and the trial court has not committed

any jurisdiction error.

In view of the above, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya